Amendments to the Claims:

The following Listing of Claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

1-41. (Cancelled)

42. (Previously presented) A sustained release medicinal aerosol formulation comprising:

(a) a propellant;

(b) A therapeutically effective amount of a drug; and

(c) a sufficient amount of a biocompatible polymer, at least four times the amount of drug on a weight to weight basis, dissolved in the formulation so as to provide for sustained release of the drug;

wherein the sustained release formulation results in discrete, nonfilm forming particles upon delivery, and

wherein the formulation is contained in a metered dose inhaler for oral and/or nasal inhalation, and

wherein the biocompatible polymer comprises at least one chain having a plurality of units of the formula

-[X-R^1-C(O)]- wherein:

(a) each R^1 is an independently selected straight chain, branched chain, or cyclic organic group containing 1-6 carbon atoms optionally containing carbonyl groups, oxygen atoms, thiol groups, or catenary nitrogen atoms that links the X group to the carbonyl group; and

(b) each X is independently oxygen, sulfur, or catenary nitrogen.

43. (Cancelled).

44. (Previously presented). The sustained release formulation of claim 42, wherein the biocompatible polymer is present in an amount of greater than 1 part by weight based on 100 parts of the formulation.

45. (Original) The sustained release formulation of claim 44 wherein the drug is dispersed in the formulation as a micronized suspension.

46. (Previously presented) The sustained release formulation of claim 42 wherein the drug is dissolved in the formulation.

47. (Previously presented) The sustained release formulation of claim 42 wherein the biocompatible polymer is present in an amount such that the period of therapeutic activity of the drug is increased by a factor of at least 1.5 relative to the period of activity of the same formulation with respect to the propellant and drug but without the biocompatible polymer.

48. (Previously presented) The sustained release formulation of claim 42 wherein the biocompatible polymer is present in an amount such that the period of therapeutic activity of the drug is increased by at least 30 minutes relative to the period of activity of the same formulation with respect to the propellant and drug but without the biocompatible polymer.

49. (Previously presented) The sustained release formulation of claim 42 wherein the biocompatible polymer is present in an amount of no greater than 25 parts by weight based on 100 parts of the formulation.

50. (Original) The sustained release formulation of claim 46 wherein the biocompatible polymer is present in an amount ranging from 0.01 to 10 parts by weight based on 100 parts of the formulation.

51. (Original) The sustained release formulation of claim 42 wherein the biocompatible polymer contains amide groups, ester groups, or mixtures thereof.

52. (Previously presented) The sustained release formulation of claim 42 wherein the biocompatible polymer has a number-average molecular weight of no greater than 5000.

53. (Cancelled)

54. (Cancelled)

55. (Previously presented) The sustained release formulation of claim 42 wherein each X is independently oxygen or catenary nitrogen.

56. (Cancelled)

57. (Previously presented) The sustained release formulation of claim 42 wherein the biocompatible polymer chain comprises units derived from one or more precursor hydroxyacids.

58. (Previously presented) The sustained release formulation of claim 42 wherein the biocompatible polymer chain comprises units derived from precursors selected from the group consisting of glycolic acid, trimethylene carbonate, hydroxybutyric acids, p-dioxanone, and lactic acids.

59. (Previously presented) The sustained release formulation of claim 42 wherein the biocompatible polymer chain comprises units derived from precursors selected from the group consisting of alpha-hydroxycarboxylic acids and beta-hydroxycarboxylic acids.

60. (Original) The sustained release formulation of claim 59 wherein the biocompatible polymer chain comprises units derived from alpha-hydroxycarboxylic acid precursors.

61. (Previously presented) The sustained release formulation of claim 42 wherein the biocompatible polymer has an average chain length of no greater than 70 of said units.

62. (Previously presented) The sustained release formulation of claim 61 wherein the biocompatible polymer has an average chain length of no greater than 25 of said units.

63. (Previously presented) The sustained release formulation of claim 62 wherein the biocompatible polymer has an average chain length of no greater than 16 of said units.

64. (Previously presented) The sustained release formulation of claim 63 wherein the biocompatible polymer has an average chain length of no greater than 11 of said units.

65. (Previously presented) The sustained release formulation of claim 61 wherein the biocompatible polymer has an average chain length of at least 5 of said units.

66. (Previously presented) The sustained release formulation of claim 65 wherein the biocompatible polymer has an average chain length of at least 8 of said units.

67. (Previously presented) The sustained release formulation of claim 42 wherein the biocompatible polymer is biodegradable.

68. (Previously presented) The sustained release formulation of claim 67 wherein the biodegradable polymer has a biological half-life of less than 10 days.

69. (Previously presented) The sustained release formulation of claim 42 wherein the biocompatible polymer has a number-average molecular weight of no greater than 5000.

70. (Previously presented) The sustained release formulation of claim 69 wherein the biocompatible polymer has a number-average molecular weight of no greater than 1800.

71. (Previously presented) The sustained release formulation of claim 70 wherein the biocompatible polymer has a number-average molecular weight of no greater than 1200.

72. (Previously presented) The sustained release formulation of claim 69 wherein the biocompatible polymer has a polydispersity of less than 1.4.

73. (Previously presented) The sustained release formulation of claim 70 wherein the biocompatible polymer has a polydispersity of less than 1.2.

74. (Previously presented) The sustained release formulation of claim 42 further comprising a cosolvent.

75. (Original) The sustained release medicinal formulation of claim 74 wherein the cosolvent is selected from the group consisting of ethanol, isopropanol, acetone, ethyl lactate, dimethyl ether, tetrahydrofuran, and ethyl acetate.

76. (Previously presented) The sustained release formulation of claim 42 wherein the propellant comprises a chlorofluorocarbon, a hydrochlorofluorocarbon, a hydrofluorocarbon, carbon dioxide, dimethyl ether, butane, propane, or a mixture thereof.

77. (Previously presented) The sustained release formulation of claim 42 wherein the drug is selected from the group consisting of antiallergics, analgesics, bronchodilators, antihistamines, antiviral agents, antibiotics, anti-inflammatories, immunomodulators, peptides, and steroids.

78. (Currently amended) The sustained release formulation of claim 42 wherein the drug is selected from the group consisting of adrenaline, albuterol, atropine, beclomethasone dipropionate, budesonide, butixocort propionate, clemastine, cromolyn, epinephrine, ephedrine, fentanyl, flunisolide, fluticasone, formoterol, ipratropium bromide, isoproterenol, lidocaine, morphine, nedocromil, pentamidine isoethionate, pirbuterol, prednisolone, salmeterol, terbutaline, tetracycline, 4-amino-α,α,2-trimethyl-1H-imidazo[4,5-c]quinoline-1-ethanol, 2,5-diethyl-10-oxo-1,2,4-triazolo[1,5-c]pyrimido[5,4-b][1,4]thiazine, 1-(1-ethylpropyl)-1-hydroxy-3-phenylurea, and pharmaceutically acceptable salts ~~and solvates~~ thereof, and mixtures thereof.

79. (Previously presented) The sustained release formulation of claim 42 wherein the biocompatible polymer is present in at least a 4:1 ratio by weight of biocompatible polymer to drug, and the drug is present as a micronized suspension.

80. (Previously presented) The sustained release formulation of claim 79 wherein the biocompatible polymer is present in at least a 8:1 ratio by weight of biocompatible polymer to drug, and the drug is present as a micronized suspension.

81. (Canceled)

82. (Canceled)

83. (Previously presented) The sustained release formulation of claim 48 wherein the period of therapeutic activity is extended by at least 6 hours.

84. (Previously presented) The sustained release formulation of claim 42 wherein the biocompatible polymer has a molecular weight polydispersity of no greater than 1.8.

85. (Previously presented) The sustained release formulation of claim 42 wherein the biocompatible polymer has a molecular weight polydispersity of no greater than 1.4.

86. (Currently amended) The sustained release formulation of claim 42 wherein the biocompatible polymer has a molecular weight polydispersity of no greater than 1.2.

87. (Previously presented) The sustained release formulation of claim 42 in an aerosol canister equipped with a metered dose valve.

88-188. (Cancelled)